

REMARKS

STATUS OF CLAIMS

Claims 1-3, 6, 8-35, 40-42, 45, 47-74, 79 and 80 are now pending in this application. Claims 36-39 and 75-78 have been withdrawn from consideration as being directed to a non-elected invention.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 1-3, 6-9, 11, 15-23, 30, 32, 34, 40-42, 45-48, 50, 54-62, 69, 71, 73, 79 and 80 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Fritsch (USPN 6,247,130), for the reasons substantially of record.

The rejections are respectfully traversed.

As asserted in the last two responses, Fritsch does not disclose or suggest that the ID information of a sub-application to be utilized next is stored in the executed sub-application, which is required by each of independent claims 1, 32, 40, 71, 79 and 80. In the section “Response to Arguments/Amendment” of the Office Action, the Examiner contends “that Fritsch discloses every album or CD has track number and track name (note that each track is equivalent to sub-application’s ID), see figure 2A, the Louis Armstrong album contains 8 tracks, track number 1 to track number 8, each track assigns a track name or song title, track number 2 is next to track number 1, track number 3 is next to track number 2, etc... Moreover, the user in Fritsch selects a song to purchase by clicking the icon next to the song title (or sub-application’s ID) as shown in figure 4D, the user does not have to know the “address location” of the song and selects the song by the “address location” of the song, the user is identified the song by the

song's title or track number. Also, Fritsch does not disclose or mention anything about the "address location" of a song, thus, the song's title or track number of the song is equivalent to "sub-application's ID" in the present claims. Therefore, *Fritsch does teach the ID information of a sub-application to be utilized next is stored in the executed sub-application*".

However, as noted in the previous response, the Examiner's assertion as to what is disclosed in Fritsch does not evince that Fritsch discloses or suggests that the ID information (for identification) of a sub-application to be utilized next is stored in the executed sub-application. That is, using the Examiner's interpretation that each song's title or track of the song is equivalent to sub-application's ID, the Examiner has not evinced that Fritsch discloses or suggest, that any song title/track of any song (the Examiner's identified sub-application) that is/will be played (executed) stores the song title/track of any song (sub-application) that is to be *played (utilized) next*.

For example, for the song "When The Saints Go Marching in", if this song were to be played, or is playing, there is nothing in this song title or track (sub-application) that identifies *what the next song to be played will be* (i.e., what the ID of a sub-application that is to be utilized next is). This does not mean that there is not some means/mechanism in Fritsch that enables identification of the next song to be played. Applicants' comment only means that this means/mechanism is **NOT** in any of the individual song title or track that is listed as would be required to meet the terms of the claims. In contrast, in the invention recited in the claims, each sub-application includes the identification of the sub-application that will be utilized next; i.e., the sub-application that will be utilized after the current sub-application has been utilized. In the terms of the song titles or tracks of Fritsch that the Examiner interprets as corresponding to a

sub-application, the Examiner has not evinced that, for example, the song/track “When The Saints Go Marching in” includes the identification of the song/track that will be played (utilized) next.

Thus, independent claims 1, 32, 40, 71, 79 and 80 are patentable over Fritsch, as are dependent claims 2, 3, 6-9, 11, 15-23, 30, 34, 41, 42, 45-48, 50, 54-62, 69 and 73. Consequently, the allowance of claims 1-3, 6-9, 11, 15-23, 30, 32, 34, 40-42, 45-48, 50, 54-62, 69, 71, 73, 79 and 80 is respectfully solicited.

II. Claims 10, 12-14, 31, 33, 49, 51-53, 70 and 72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Zilliacus et al. (USPN 6,832,23).

The rejections are respectfully traversed.

Independent claims 1, 32, 40 and 71 are patentable over Fritsch and Zilliacus et al. does not remedy the above noted deficiency of Fritsch. Claims 10, 12-14, 31 depend indirectly from independent claim 1, claim 33 depends directly from independent claim 32, claims 49, 51-53 and 70 depend indirectly from independent claim 40, and claim 72 depends directly from independent claim 71. Therefore, claims 10, 12-14, 31, 33, 49, 51-53, 70 and 72 are patentable over Fritsch, even when considered in view of Zilliacus et al.

III. Claims 31, 33, 70 and 72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Hoffman (USPN 6,622,017).

Hoffman (USPN 6,622,017) is newly cited, but does not appear on a PTO-892. It is respectfully requested that the Examiner provide a PTO-892 listing Hoffman (USPN

6,622,017) so that it will appear as a “Reference Cited” on the front page of any patent that may issue.

Independent claims 1, 32, 40 and 71 are patentable over Fritsch and Hoffman does not remedy the above noted deficiency of Fritsch. Claim 31 depends indirectly from independent claim 1, claim 33 depends directly from independent claim 32, claim 70 depends indirectly from independent claim 40, and claim 72 depends directly from independent claim 71. Therefore, claims 31, 33, 70 and 72 are patentable over Fritsch, even when considered in view of Hoffman.

IV. Claims 24-29, 35, 63-68 and 74 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Kupka et al. (USPN 6,434,535), for the reasons substantially of record.

Independent claims 1, 32, 40 and 71 are patentable over Fritsch and Kupa et al. does not remedy the above noted deficiency of Fritsch. Claims 24-29 depend directly or indirectly from independent claim 1, claim 35 depends indirectly from independent claim 32, claims 63-68 depend directly or indirectly from independent claim 40, and claim 74 depends indirectly from independent claim 71. Therefore, claims 24-29, 35, 63-68 and 74 are patentable over Fritsch also, even when considered in view of Kupka et al. Consequently, the allowance of claims 24-29, 35, 63-68 and 74 is respectfully solicited.

V. In view of the above, the allowance of claims 1-3, 6, 8-35, 40-42, 45, 47-74, 79 and 80 is respectfully solicited.

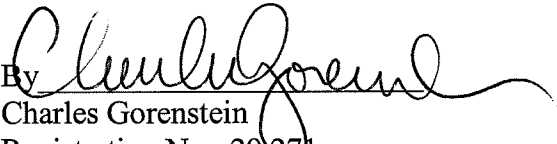
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: November 20, 2007

Respectfully submitted,

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